

IN THE MATTER OF:	)	U.S. EPA Region 6
	)	CERCLA Docket No. 06-07-17
Griggs and Walnut Ground Water Plume	)	
Superfund Site, Las Cruces, New Mexico	)	
	)	
City of Las Cruces, and Doña Ana County	)	
	)	
Respondents	)	
	)	
Proceeding under Section 106(a)	)	<b>UNILATERAL ADMINISTRATIVE</b>
of the Comprehensive Environmental	)	<b>ORDER FOR OPERATION AND</b>
Response, Compensation, and Liability	)	<b>MAINTENANCE</b>
Act, 42 U.S.C. § 9606(a).	)	
	)	
	)	

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immunity has been waived under the Act. The City maintains a municipal public liability fund with an adequate level of funding to cover its liabilities under the Act. As of the date of execution of this Insurance Certification, the liability limits under the Act are a combined \$1,050,000 arising out of a single occurrence as set forth in NMSA 1978, Section 41-4-19. As required by NMSA 1978, Section 41-4-20(B) of the Act, the New Mexico Department of Finance and Administration shall not approve the budget of any New Mexico governmental entity that has not budgeted an adequate amount of money to insure or otherwise cover every risk for which immunity has been waived under the provisions of the Act or liability imposed under NMSA 1978, Section 41-4-4. The City further states that its municipal public liability fund is adequately funded under the Act and the City shall continue to adequately fund the municipal public liability fund to provide insurance coverage for its liability exposure under the Act until the first anniversary after EPA issues the Certificate of Completion of the Work pursuant to Paragraph 56.b. of the Order.

(2) The County of Doña Ana attests and certifies that it has secured pool insurance coverage through the New Mexico County Insurance Authority (“NMCIA”) administered through the New Mexico Association of Counties (“NMAC”) for all risks for which immunity has been waived under the Act. As of the date of execution of this Insurance Certification, the liability limits under the Act are a combined \$1,050,000 arising out of a single occurrence as set forth in NMSA 1978, Section 41-4-19, and the County of Doña Ana has insurance coverage in this amount through the NMCIA and NMAC. In addition, the current NMAC reinsurance coverage agreement provides for \$5 million per claim/\$6 million pool aggregate for general liability and auto liability. As required by NMSA 1978, Section 41-4-20(B), the New Mexico Department of Finance and Administration shall not approve the budget of any governmental entity that has not budgeted an adequate amount of money to insure or otherwise cover every risk for which immunity has been waived under the provisions of the Act or liability imposed under NMSA 1978, Section 41-4-4. The County shall maintain sufficient insurance coverage through the NMCIA and NMAC or comparable insurance coverage for its liability exposure under the Act until the first anniversary after EPA issues the Certificate of Completion of the Work pursuant to Paragraph 56.b. of the Order.

(3) Respondents attest that insurance coverage, adequate to cover all risks for which immunity has been waived under the Act, has been in full force and effect for all Work that has been performed by or on behalf of Respondents prior to the date of execution of this Insurance Certification.

(4) In addition, until the first anniversary after EPA issues the Certificate of Completion of the Work pursuant to Paragraph 56.b. of the Order, Respondents shall satisfy, or shall ensure that their contractors or subcontractors satisfy, all applicable laws and regulations regarding the provision of workers’ compensation insurance for all persons performing the Work on behalf of Respondents in furtherance of this Order. The City of Las Cruces provides

workers' compensation coverage for its employees under a State approved plan and shall provide to EPA and the State a statement of compliance with the State approved plan. The County of Doña Ana provides workers' compensation coverage for its employees through the NMCIA and NMAC and shall provide to EPA and the State satisfactory proof of such coverage. Respondents shall resubmit such proof of coverage or statements of compliance each year on the anniversary of the Effective Date. If Respondents demonstrate by evidence satisfactory to EPA and the State that any contractor or subcontractor maintains insurance equivalent to that described above, or insurance covering the same risks but in a lesser amount, then, with respect to that contractor or subcontractor, Respondents need provide only that portion of the insurance described above that is not maintained by the contractor or subcontractor.

**CERTIFIED by the City of Las Cruces:** The City of Las Cruces by its duly authorized representative, intending to be legally bound, has caused this Insurance Certification to be duly executed and delivered to the EPA as of the signature date below:

Authorized signature for City of Las Cruces: \_\_\_\_\_  
Date \_\_\_\_\_

Printed Name of person signing: \_\_\_\_\_

Title of person signing: \_\_\_\_\_

Contact information for signatory (Address, Email Address and Telephone):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State of New Mexico, County of Doña Ana. On this \_\_\_\_ day of \_\_\_\_\_, 201\_, before me personally came \_\_\_\_\_ (signatory's name) to me known, who, being by me duly sworn, did depose and say that she/he is \_\_\_\_\_ (title) of the City of Las Cruces, the entity described in this instrument and which executed the above instrument; and that she/he signed her/his name thereto. \_\_\_\_\_ (Signature of Notary Public)

Seal

**CERTIFIED by the County of Doña Ana:** The County of Doña Ana by its duly authorized representative, intending to be legally bound, has caused this Insurance Certification to be duly executed and delivered to the EPA as of the signature date below:

Authorized signature for the County of Doña Ana: \_\_\_\_\_

Date \_\_\_\_\_

Printed Name of person signing: \_\_\_\_\_

Title of person signing: \_\_\_\_\_

Contact information for signatory (Address, Email Address and Telephone):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State of New Mexico, County of Doña Ana. On this \_\_\_\_\_ day of \_\_\_\_\_, 201\_, before me personally came \_\_\_\_\_ (signatory's name) to me known, who, being by me duly sworn, did depose and say that she/he is \_\_\_\_\_ (title) of the County of Doña Ana, the entity described in this instrument and which executed the above instrument; and that she/he signed her/his name

thereto. \_\_\_\_\_ (Signature of Notary Public)

Seal